

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAHAMED ALI JAMA,

Plaintiff,

v.

KING COUNTY POLICE, WESTERN
STATE HOSPITAL,

Defendants.

CASE NO. 2:21-cv-01151 JCC-BAT

**REPORT AND
RECOMMENDATION**

On August 25, 2021, Plaintiff Mahamed Ali Jama filed a Declaration and Application to Proceed In Forma Pauperis (“IFP”). Dkt. 1. The Court determined that Plaintiff’s IFP Application was deficient as he had failed to properly complete portions of his Application. The Court ordered Plaintiff to provide the additional information by September 20, 2021 so that the Court may determine whether to grant or deny his IFP Application. Dkt. 4. Plaintiff failed to respond.

DISCUSSION

As a general rule, all parties instituting any civil action, suit or proceeding in a United States District Court must pay a filing fee. 28 U.S.C. § 1914(a). The Court may authorize the commencement of an action “without prepayment of fees and costs of security therefor, by a person who submits an affidavit that ... the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Therefore, an action may proceed despite a failure to prepay

1 the filing fee only if leave to proceed IFP is granted by the Court. *See Rodriguez v. Cook*, 169
2 F.3d 1178, 1177 (9th Cir.1999).

3 The Ninth Circuit has held “permission to proceed *in forma pauperis* is itself a matter of
4 privilege and not a right; denial of an *informa pauperis* status does not violate the applicant’s
5 right to due process.” *Franklin v. Murphy*, 745 F.2d 1221, 1231 (9th Cir.1984) (*citing Weller v.*
6 *Dickson*, 314 F.2d 598, 600 (9th Cir.1963)). In addition, the Court has broad discretion to grant
7 or deny a motion to proceed IFP. *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir.1990); *Weller*,
8 314 F.2d at 600-601.

9 CONCLUSION

10 By filing a request to proceed IFP, Plaintiff is asking the government to incur the filing
11 fee because he allegedly is unable to afford the costs necessary to proceed with his complaint.
12 However, Plaintiff’s IFP application is incomplete and although he was given an opportunity to
13 provide additional information in support, he has failed to respond to the Court’ Order.
14 Accordingly, the undersigned recommends that the Court deny his IFP application (Dkt. 1) and
15 that Plaintiff be directed to pay the filing fee. A proposed order is attached.

16 Objections, if any, to this Report and Recommendation must be filed no later than
17 **October 8, 2021**, and the clerk shall note the matter ready for the Court’s consideration on
18 **October 11, 2021**. Objections shall not exceed five (5) pages. The failure to timely object may
19 affect the right to appeal. The Clerk shall send a copy of this Order to Plaintiff.

20 DATED this 23rd day of September, 2021.

21 

22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge